

Union Calendar No. 419

116TH CONGRESS
2D SESSION

H. R. 1646

[Report No. 116–519, Part I]

To require the Secretary of Health and Human Services to improve the detection, prevention, and treatment of mental health issues among public safety officers, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 8, 2019

Mr. BERA introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Science, Space, and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

SEPTEMBER 18, 2020

Additional sponsors: Mr. FITZPATRICK, Ms. JACKSON LEE, Mr. PAPPAS, Mr. SHERMAN, Mr. ROUDA, Mr. KHANNA, Mr. LOEBSACK, Mr. PERLMUTTER, Mr. GOLDEN, Ms. WASSERMAN SCHULTZ, Mr. PANETTA, Mr. GARAMENDI, Mrs. TORRES of California, Mrs. NAPOLITANO, Mr. WELCH, Ms. DEAN, Mr. SOTO, Mr. CARBAJAL, Mr. RUIZ, Mr. VISCLOSKY, Ms. STEFANIK, Mr. MALINOWSKI, Mr. CICILLINE, Mr. POSEY, Mr. DEFazio, Ms. KUSTER of New Hampshire, Mr. POCAN, Ms. BLUNT ROCHESTER, Mr. MCADAMS, Mr. DEUTCH, Ms. GABBARD, Mr. O'HALLERAN, Ms. STEVENS, Mr. MOULTON, Mr. HARDER of California, Mr. VARGAS, Ms. CLARK of Massachusetts, Mr. KILMER, Mr. GALLEG0, Mr. VELA, Mr. LAMB, Ms. TITUS, Ms. DAVIDS of Kansas, Mr. PETERSON, Mr. KIND, Mr. HECK, Ms. WILD, Mr. HIMES, Mr. BRINDISI, Mr. BLUMENAUER, Mrs. MURPHY of Florida, Mrs. BROOKS of Indiana, Mr. KILDEE, Mr. TONKO, Mr. SCHRADER, Ms. BROWNLEY of California, Ms. CRAIG, Ms. WEXTON, Mr. CLEAVER, Ms. SLOTKIN, Mr. DAVID P. ROE of Tennessee, Mr. PASCRELL, Mrs. LEE of Nevada, Mr. RASKIN, Ms. KENDRA S. HORN of Oklahoma, Mrs. AXNE, Mr. CRIST, Mr. TRONE, Mr. LUJÁN, Mr. STANTON, Ms. FINKENAUER, Ms. KELLY of Illinois, Mr. DELGADO, Mr. GOTTHEIMER, Mr. THOMPSON of California, Ms. OMAR, Mr. KIM, Mr. NEGUSE, Mr. SEAN PATRICK MALONEY of New York, Mrs. WALORSKI,

Mr. VAN DREW, Mr. RYAN, Mr. HORSFORD, Mr. CASE, Ms. JOHNSON
of Texas, Mr. COHEN, Mr. FOSTER, Mr. BURGESS, and Mr. LEVIN of
California

SEPTEMBER 18, 2020

Reported from the Committee on Energy and Commerce with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

SEPTEMBER 18, 2020

Committee on Science, Space, and Technology discharged; committed to the
Committee of the Whole House on the State of the Union and ordered
to be printed

[For text of introduced bill, see copy of bill as introduced on March 8, 2019]

A BILL

To require the Secretary of Health and Human Services
to improve the detection, prevention, and treatment of
mental health issues among public safety officers, and
for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Helping Emergency Re-*
 5 *sponders Overcome Act” or the “HERO Act”.*

6 **SEC. 2. DATA SYSTEM TO CAPTURE NATIONAL PUBLIC**
 7 **SAFETY OFFICER SUICIDE INCIDENCE.**

8 *The Public Health Service Act is amended by inserting*
 9 *after section 317U of such Act (42 U.S.C. 247b–23) the fol-*
 10 *lowing:*

11 **“SEC. 317V. DATA SYSTEM TO CAPTURE NATIONAL PUBLIC**
 12 **SAFETY OFFICER SUICIDE INCIDENCE.**

13 *“(a) IN GENERAL.—The Secretary, in coordination*
 14 *with the Director of the Centers for Disease Control and*
 15 *Prevention and other agencies as the Secretary determines*
 16 *appropriate, shall—*

17 *“(1) develop and maintain a data system, to be*
 18 *known as the Public Safety Officer Suicide Reporting*
 19 *System, for the purposes of—*

20 *“(A) collecting data on the suicide incidence*
 21 *among public safety officers; and*

22 *“(B) facilitating the study of successful*
 23 *interventions to reduce suicide among public*
 24 *safety officers; and*

1 “(2) *integrate such system into the National Vio-*
2 *lent Death Reporting System, so long as the Secretary*
3 *determines such integration to be consistent with the*
4 *purposes described in paragraph (1).*

5 “(b) *DATA COLLECTION.—In collecting data for the*
6 *Public Safety Officer Suicide Reporting System, the Sec-*
7 *retary shall, at a minimum, collect the following informa-*
8 *tion:*

9 “(1) *The total number of suicides in the United*
10 *States among all public safety officers in a given cal-*
11 *endar year.*

12 “(2) *Suicide rates for public safety officers in a*
13 *given calendar year, disaggregated by—*

14 “(A) *age and gender of the public safety of-*
15 *ficer;*

16 “(B) *State;*

17 “(C) *occupation; including both the individ-*
18 *ual’s role in their public safety agency and their*
19 *primary occupation in the case of volunteer pub-*
20 *lic safety officers;*

21 “(D) *where available, the status of the pub-*
22 *lic safety officer as volunteer, paid-on-call, or ca-*
23 *reer; and*

24 “(E) *status of the public safety officer as ac-*
25 *tive or retired.*

1 “(c) *CONSULTATION DURING DEVELOPMENT.*—In de-
2 veloping the Public Safety Officer Suicide Reporting Sys-
3 tem, the Secretary shall consult with non-Federal experts
4 to determine the best means to collect data regarding suicide
5 incidence in a safe, sensitive, anonymous, and effective
6 manner. Such non-Federal experts shall include, as appro-
7 priate, the following:

8 “(1) *Public health experts with experience in de-*
9 veloping and maintaining suicide registries.

10 “(2) *Organizations that track suicide among*
11 public safety officers.

12 “(3) *Mental health experts with experience in*
13 studying suicide and other profession-related trau-
14 matic stress.

15 “(4) *Clinicians with experience in diagnosing*
16 and treating mental health issues.

17 “(5) *Active and retired volunteer, paid-on-call,*
18 and career public safety officers.

19 “(6) *Relevant national police, and fire and*
20 emergency medical services, organizations.

21 “(d) *DATA PRIVACY AND SECURITY.*—In developing
22 and maintaining the Public Safety Officer Suicide Report-
23 ing System, the Secretary shall ensure that all applicable
24 Federal privacy and security protections are followed to en-
25 sure that—

1 “(1) the confidentiality and anonymity of sui-
 2 cide victims and their families are protected, includ-
 3 ing so as to ensure that data cannot be used to deny
 4 benefits; and

5 “(2) data is sufficiently secure to prevent unau-
 6 thorized access.

7 “(e) *REPORTING.*—

8 “(1) *ANNUAL REPORT.*—Not later than 2 years
 9 after the date of enactment of the *Helping Emergency*
 10 *Responders Overcome Act*, and biannually thereafter,
 11 the Secretary shall submit a report to the Congress on
 12 the suicide incidence among public safety officers.
 13 Each such report shall—

14 “(A) include the number and rate of such
 15 suicide incidence, disaggregated by age, gender,
 16 and State of employment;

17 “(B) identify characteristics and contrib-
 18 uting circumstances for suicide among public
 19 safety officers;

20 “(C) disaggregate rates of suicide by—

21 “(i) occupation;

22 “(ii) status as volunteer, paid-on-call,
 23 or career; and

24 “(iii) status as active or retired;

1 “(D) include recommendations for further
2 study regarding the suicide incidence among
3 public safety officers;

4 “(E) specify in detail, if found, any obsta-
5 cles in collecting suicide rates for volunteers and
6 include recommended improvements to overcome
7 such obstacles;

8 “(F) identify options for interventions to re-
9 duce suicide among public safety officers; and

10 “(G) describe procedures to ensure the con-
11 fidentiality and anonymity of suicide victims
12 and their families, as described in subsection
13 (d)(1).

14 “(2) *PUBLIC AVAILABILITY.*—Upon the submis-
15 sion of each report to the Congress under paragraph
16 (1), the Secretary shall make the full report publicly
17 available on the website of the Centers for Disease
18 Control and Prevention.

19 “(f) *DEFINITION.*—In this section, the term ‘public
20 safety officer’ means—

21 “(1) a public safety officer as defined in section
22 1204 of the Omnibus Crime Control and Safe Streets
23 Act of 1968; or

24 “(2) a public safety telecommunicator as de-
25 scribed in detailed occupation 43–5031 in the Stand-

1 *ard Occupational Classification Manual of the Office*
 2 *of Management and Budget (2018).*

3 “(g) *PROHIBITED USE OF INFORMATION.*—*Notwith-*
 4 *standing any other provision of law, if an individual is*
 5 *identified as deceased based on information contained in*
 6 *the Public Safety Officer Suicide Reporting System, such*
 7 *information may not be used to deny or rescind life insur-*
 8 *ance payments or other benefits to a survivor of the deceased*
 9 *individual.”.*

10 **SEC. 3. PEER-SUPPORT BEHAVIORAL HEALTH AND**
 11 **WELLNESS PROGRAMS WITHIN FIRE DEPART-**
 12 **MENTS AND EMERGENCY MEDICAL SERVICE**
 13 **AGENCIES.**

14 (a) *IN GENERAL.*—*Part B of title III of the Public*
 15 *Health Service Act (42 U.S.C. 243 et seq.) is amended by*
 16 *adding at the end the following:*

17 **“SEC. 320B. PEER-SUPPORT BEHAVIORAL HEALTH AND**
 18 **WELLNESS PROGRAMS WITHIN FIRE DEPART-**
 19 **MENTS AND EMERGENCY MEDICAL SERVICE**
 20 **AGENCIES.**

21 “(a) *IN GENERAL.*—*The Secretary shall award grants*
 22 *to eligible entities for the purpose of establishing or enhanc-*
 23 *ing peer-support behavioral health and wellness programs*
 24 *within fire departments and emergency medical services*
 25 *agencies.*

1 “(b) *PROGRAM DESCRIPTION.*—A peer-support behav-
2 ioral health and wellness program funded under this section
3 shall—

4 “(1) use career and volunteer members of fire de-
5 partments or emergency medical services agencies to
6 serve as peer counselors;

7 “(2) provide training to members of career, vol-
8 unteer, and combination fire departments or emer-
9 gency medical service agencies to serve as such peer
10 counselors;

11 “(3) purchase materials to be used exclusively to
12 provide such training; and

13 “(4) disseminate such information and materials
14 as are necessary to conduct the program.

15 “(c) *DEFINITION.*—In this section:

16 “(1) The term ‘eligible entity’ means a nonprofit
17 organization with expertise and experience with re-
18 spect to the health and life safety of members of fire
19 and emergency medical services agencies.

20 “(2) The term ‘member’—

21 “(A) with respect to an emergency medical
22 services agency, means an employee, regardless of
23 rank or whether they receive compensation (as
24 defined in section 1204(7) of the Omnibus Crime
25 Control and Safe Streets Act of 1968); and

1 “(B) with respect to a fire department,
 2 means a firefighter (as defined in section
 3 1204(4) of the Omnibus Crime Control and Safe
 4 Streets Act of 1968).”.

5 (b) *TECHNICAL CORRECTION.*—Effective as if included
 6 in the enactment of the Children’s Health Act of 2000 (Pub-
 7 lic Law 106–310), the amendment instruction in section
 8 1603 of such Act is amended by striking “Part B of the
 9 Public Health Service Act” and inserting “Part B of title
 10 III of the Public Health Service Act”.

11 **SEC. 4. HEALTH CARE PROVIDER BEHAVIORAL HEALTH**
 12 **AND WELLNESS PROGRAMS.**

13 Part B of title III of the Public Health Service Act
 14 (42 U.S.C. 243 et seq.), as amended by section 3, is further
 15 amended by adding at the end the following:

16 **“SEC. 320C. HEALTH CARE PROVIDER BEHAVIORAL HEALTH**
 17 **AND WELLNESS PROGRAMS.**

18 “(a) *IN GENERAL.*—The Secretary shall award grants
 19 to eligible entities for the purpose of establishing or enhanc-
 20 ing behavioral health and wellness programs for health care
 21 providers.

22 “(b) *PROGRAM DESCRIPTION.*—A behavioral health
 23 and wellness program funded under this section shall—

24 “(1) provide confidential support services for
 25 health care providers to help handle stressful or trau-

1 *matic patient-related events, including counseling*
 2 *services and wellness seminars;*

3 *“(2) provide training to health care providers to*
 4 *serve as peer counselors to other health care providers;*

5 *“(3) purchase materials to be used exclusively to*
 6 *provide such training; and*

7 *“(4) disseminate such information and materials*
 8 *as are necessary to conduct such training and provide*
 9 *such peer counseling.*

10 *“(c) DEFINITIONS.—In this section, the term ‘eligible*
 11 *entity’ means a hospital, including a critical access hospital*
 12 *(as defined in section 1861(mm)(1) of the Social Security*
 13 *Act) or a disproportionate share hospital (as defined under*
 14 *section 1923(a)(1)(A) of such Act), a Federally-qualified*
 15 *health center (as defined in section 1905(1)(2)(B) of such*
 16 *Act), or any other health care facility.”.*

17 **SEC. 5. DEVELOPMENT OF RESOURCES FOR EDUCATING**
 18 **MENTAL HEALTH PROFESSIONALS ABOUT**
 19 **TREATING FIRE FIGHTERS AND EMERGENCY**
 20 **MEDICAL SERVICES PERSONNEL.**

21 *(a) IN GENERAL.—The Administrator of the United*
 22 *States Fire Administration, in consultation with the Sec-*
 23 *retary of Health and Human Services, shall develop and*
 24 *make publicly available resources that may be used by the*

1 *Federal Government and other entities to educate mental*
2 *health professionals about—*

3 (1) *the culture of Federal, State, Tribal, and*
4 *local career, volunteer, and combination fire depart-*
5 *ments and emergency medical services agencies;*

6 (2) *the different stressors experienced by fire-*
7 *fighters and emergency medical services personnel, su-*
8 *pervisory firefighters and emergency medical services*
9 *personnel, and chief officers of fire departments and*
10 *emergency medical services agencies;*

11 (3) *challenges encountered by retired firefighters*
12 *and emergency medical services personnel; and*

13 (4) *evidence-based therapies for mental health*
14 *issues common to firefighters and emergency medical*
15 *services personnel within such departments and agen-*
16 *cies.*

17 (b) *CONSULTATION.—In developing resources under*
18 *subsection (a), the Administrator of the United States Fire*
19 *Administration and the Secretary of Health and Human*
20 *Services shall consult with national fire and emergency*
21 *medical services organizations.*

22 (c) *DEFINITIONS.—In this section:*

23 (1) *The term “firefighter” means any employee*
24 *of a Federal, State, Tribal, or local fire department*

1 *who is responsible for responding to calls for emer-*
 2 *gency service.*

3 (2) *The term “emergency medical services per-*
 4 *sonnel” means any employee, regardless of rank or*
 5 *whether they receive compensation, as defined in sec-*
 6 *tion 1204(7) of the Omnibus Crime Control and Safe*
 7 *Streets Act of 1968 (34 U.S.C. 10284(7)).*

8 (3) *The term “chief officer” means any indi-*
 9 *vidual who is responsible for the overall operation of*
 10 *a fire department or an emergency medical services*
 11 *agency, irrespective of whether such individual also*
 12 *serves as a firefighter or emergency medical services*
 13 *personnel.*

14 **SEC. 6. BEST PRACTICES AND OTHER RESOURCES FOR AD-**
 15 **DRESSING POSTTRAUMATIC STRESS DIS-**
 16 **ORDER IN PUBLIC SAFETY OFFICERS.**

17 (a) *DEVELOPMENT; UPDATES.*—*The Secretary of*
 18 *Health and Human Services shall—*

19 (1) *develop and assemble evidence-based best*
 20 *practices and other resources to identify, prevent, and*
 21 *treat posttraumatic stress disorder and co-occurring*
 22 *disorders in public safety officers; and*

23 (2) *reassess and update, as the Secretary deter-*
 24 *mines necessary, such best practices and resources, in-*
 25 *cluding based upon the options for interventions to re-*

1 *duce suicide among public safety officers identified in*
2 *the annual reports required by section 317V(e)(1)(F)*
3 *of the Public Health Service Act, as added by section*
4 *2 of this Act.*

5 (b) *CONSULTATION.*—*In developing, assembling, and*
6 *updating the best practices and resources under subsection*
7 *(a), the Secretary of Health and Human Services shall con-*
8 *sult with, at a minimum, the following:*

9 (1) *Public health experts.*

10 (2) *Mental health experts with experience in*
11 *studying suicide and other profession-related trau-*
12 *matic stress.*

13 (3) *Clinicians with experience in diagnosing and*
14 *treating mental health issues.*

15 (4) *Relevant national police, fire, and emergency*
16 *medical services organizations.*

17 (c) *AVAILABILITY.*—*The Secretary of Health and*
18 *Human Services shall make the best practices and resources*
19 *under subsection (a) available to Federal, State, and local*
20 *fire, law enforcement, and emergency medical services agen-*
21 *cies.*

22 (d) *FEDERAL TRAINING AND DEVELOPMENT PRO-*
23 *GRAMS.*—*The Secretary of Health and Human Services*
24 *shall work with Federal departments and agencies, includ-*
25 *ing the United States Fire Administration, to incorporate*

1 *education and training on the best practices and resources*
2 *under subsection (a) into Federal training and development*
3 *programs for public safety officers.*

4 (e) *DEFINITION.—In this section, the term “public*
5 *safety officer” means—*

- 6 (1) *a public safety officer as defined in section*
7 *1204 of the Omnibus Crime Control and Safe Streets*
8 *Act of 1968 (34 U.S.C. 10284); or*
- 9 (2) *a public safety telecommunicator as described*
10 *in detailed occupation 43–5031 in the Standard Oc-*
11 *cupational Classification Manual of the Office of*
12 *Management and Budget (2018).*

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